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10/654,858	09/04/2003	Kenneth Roger Jones	1033-SS00406	4667
60533	7590	05/28/2008	EXAMINER	
TOLER LAW GROUP			NGUYEN, PHUOC H	
8500 BLUFFSTONE COVE				
SUITE A201			ART UNIT	PAPER NUMBER
AUSTIN, TX 78759			2143	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/654,858	JONES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phuoc H. Nguyen	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 March 2008.

2a) This action is **FINAL**.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5, 7-13 and 15-37 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5, 7-13, and 15-37 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment filed on March 7, 2008. Previous office action contained claims 1-5, 7-13, and 15-37. Applicant amended claims 1, 2, 5, 11, 26, and 33. Amendment filed on March 7, 2008 have been entered and made of record. Therefore, pending claims 1-5, 7-13, and 15-37 are presented for further consideration and examination.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 5, 11, 16, 26, and 33 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. The amendment filed 03/7/2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

The limitation "automatically collecting management information" of the claims 1, 5, 11, 16, 26, and 33 does not fully support in the original specification due to the following reason: the original text specification does not fully support the automatically collecting management information as claimed.

Applicant is required to either cancel or explicitly point out the support in the original specification of the new matter above in the reply to this Office Action.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-5, 7-13, and 15-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit et al. (Hereafter, Voit) U.S. Pub. No. 2006/0098670 in view of Chewning, III et al. (Hereafter, Chewning) U.S. Pub. No. 2007/0097884.

Re claim 1, Voit discloses a network management system (e.g. Figure 7B) comprising: a first connection to a wide area network (e.g. Figure 7B; page 18 paragraph 0195); wherein the first connection is configured to receive management information via a virtual connection from a data communication node (e.g. page 17 paragraphs 0172-0174 and 0180); wherein the management information includes service level information for a transparent connection between the data communication node and the wide area network (e.g. page 18 paragraph 0195), the transparent connection carrying encapsulated data traffic (e.g. page 16 paragraph 0163), the management information further including equipment failure information for a bridging node configured to generate the encapsulated data traffic (e.g. page 7 paragraph 0081); however, Voit fails to disclose an automatically receive management information.

Chewning teaches a network management system is automatically collecting management information (e.g. Abstract; page 4 paragraph 0034).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Chewning's teaching of automatic collecting management information into Voit's method to provide ready provisioning of a customer for service (e.g. page 1 paragraph 0007).

Re claim 2, Voit further discloses the transparent connection is a Digital Subscriber Line (DSL) connection that carries Frame Relay packets encapsulated according to a DSL protocol, and wherein the management information relates to encapsulated frame relay packets communicated between networks (e.g. Figure 5; pages 15-16 paragraphs 0156 and 0158).

Re claim 3, Voit further discloses the management information is according to a Simple Network Management Protocol (SNMP) (e.g. pages 17-18 paragraphs 0180 and 0187).

Re claim 4, Voit further discloses the transparent connection is an intermediate network (e.g. ADSL Data Network) to the wide area network and a local area network (e.g. Figure 7B).

Re claim 5, Voit discloses a network management system (Figure 7b) comprising: a data network report collector (e.g. test server 83 or web server 81); and a data router having a first interface coupled to a wide area network (Figure 7b, link between gateway router 29 and cell relay 30); wherein data collected via the first interface includes management information regarding a service level of a first network for carrying data traffic between a local area network and the wide area network (e.g. page 17 paragraphs 0172-0174, 0180 and page 18 paragraph 0195); however, Voit fails to disclose an automatically receive management information.

Chewning teaches a network management system is automatically collecting management information (e.g. Abstract; page 4 paragraph 0034).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Chewning's teaching of automatic collecting management information into Voit's method to provide ready provisioning of a customer for service (e.g. page 1 paragraph 0007).

Re claim 7, Voit's figure 7b further discloses the data traffic is communicated between the local area network and the wide area network according to a first protocol (e.g. Frame relay) and the bridging node encapsulates the data traffic from the local area node according to a second protocol (e.g. ADSL).

Re claim 8, Voit further discloses the first protocol is a frame relay type protocol and the second protocol is a Digital Subscriber Line (DSL) protocol (e.g. Figure 7B).

Re claim 9, Voit further discloses a second node de-encapsulates the data traffic and transmits the data traffic to the wide area network (e.g. figure 7b, data traffic transmit from the DSLAM 17 to the gateway router 29).

Re claim 10, Voit further discloses the second node is a Digital Subscriber Line Access Multiplexer (DSLAM) (e.g. Figure 7B).

Re claim 11, Voit discloses a method comprising: collecting management information for a transparent connection carrying data traffic (e.g. page 16 paragraph 0163); using the management information collected to identify equipment failure information e.g. page 7 paragraph 0081); and using the management information collected to identify network service provider service level information (e.g. page 6 paragraph 0058; page 9 paragraph 0103; and page

10 paragraph 0108); however, Voit fails to disclose an automatically receive management information.

Chewning teaches a network management system is automatically collecting management information (e.g. Abstract; page 4 paragraph 0034).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Chewning's teaching of automatic collecting management information into Voit's method to provide peedy provisioning of a customer for service (e.g. page 1 paragraph 0007).

Re claim 12, Voit further discloses presenting the service level information to a customer (e.g. page 10 paragraph 0112).

Re claim 13, Voit further discloses providing notification of a detected equipment failure (e.g. page 19 paragraph 0204).

Re claim 15, Voit further discloses the transparent connection is an intermediate network between a local area network and a wide area network (e.g. Figure 7B).

Re claim 16, Voit discloses a network management system configured to collect management information for one or more transparent Digital Subscriber Line (DSL) connections carrying encapsulated Frame Relay packets (e.g. Figure 5; pages 15-16 paragraphs 0156 and 0158; and page 17 paragraphs 0172-0174 and 0180); however, Voit fails to disclose an automatically receive management information.

Chewning teaches a network management system is automatically collecting management information (e.g. Abstract; page 4 paragraph 0034).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Chewning's teaching of automatic collecting management information into Voit's method to provide ready provisioning of a customer for service (e.g. page 1 paragraph 0007).

Re claim 17, Voit further discloses the management information comprises equipment fault information of a DSL bridge and service level information of the one or more transparent DSL connections (e.g. figures 7a-b; page 16 paragraph 0162; page 17 paragraphs 0172-0174).

Re claim 18, Voit further discloses the one or more DSL connections are each coupled between a DSL bridge and a Digital Subscriber Line Access Multiplexer (DSLAM) (e.g. Figure 1).

Re claim 19, Voit further discloses the DSL bridge encapsulates Frame Relay packets sent from a Frame Relay transmitter and the DSLAM de-encapsulates the Frame Relay packets prior to forwarding the Frame Relay packets to a wide area network (e.g. Figure 1; page 8 paragraphs 0085-0089).

Re claim 20, Voit further discloses the DSLAM encapsulates Frame Relay packets sent from a wide area network and the DSL bridge de-encapsulates the Frame Relay packets prior to forwarding the de-encapsulated Frame Relay packets to a Frame Relay receiver (e.g. Figure 1; page 8 paragraphs 0085-0089).

Re claim 21, Voit further discloses the network management system collects the management information via a Frame Relay network (e.g. Figure 5; pages 15-16 paragraphs 0156 and 0158; and page 17 paragraphs 0172-0174 and 0180).

Re claim 22, Voit further discloses the network management system is configured to collect the management information according to a Simple Network Management Protocol (SNMP) (e.g. pages 17-18 paragraphs 0180 and 0187).

Re claim 23, Voit further discloses the network management system is configured to collect the management information via a virtual circuit from a data communication node coupled to at least one of the DSL connections (e.g. Figure 7a; page 19 paragraph 0201).

Re claim 24, Voit further discloses the encapsulated Frame Relay packets are carried on a virtual circuit between a Frame Relay transmitter and a Frame Relay receiver (e.g. Figure 7b).

Re claim 25, Voit further discloses the Frame Relay transmitter and the Frame Relay receiver are implemented as channel service unit/data service units (e.g. Figure 7B).

Re claim 26, Voit discloses a report collector (e.g. web server 81); and a middleware server (e.g. test server 83) configured to collect management information for a transparent Digital Subscriber Line (DSL) connection via a Frame Relay network and configured to forward the collected management information to the report collector (e.g. Figure 7b; page 17 paragraphs 0172-0178; and page 18, paragraphs 0187-0189); however, Voit fails to disclose an automatically receive management information.

Chewning teaches a network management system is automatically collecting management information (e.g. Abstract; page 4 paragraph 0034).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Chewning's teaching of automatic collecting management information into Voit's method to provide peedy provisioning of a customer for service (e.g. page 1 paragraph 0007).

Re claim 27, Voit further discloses the management information comprises customer equipment fault information and service level information of the transparent DSL connection (e.g. Figure 7b).

Re claim 28, Voit further discloses the customer equipment is a DSL bridge that encapsulates Frame Relay packets (e.g. page 19 paragraph 0201).

Re claim 29, Voit further discloses the report collector is configured to display the management information to a user (e.g. page 20 paragraph 0216).

Re claim 30, Voit further discloses the management information is used to differentiate between customer equipment failure and a service level agreement violation (e.g. page 10 paragraphs 0108-0109, 0112; and page 19 paragraph 0201).

Re claim 31, Voit further discloses frame relay packets are transparently encapsulated according to a DSL protocol and sent over the DSL connection (e.g. Figure 5; pages 15-16 paragraphs 0156 and 0158).

Re claim 32, Voit further discloses a router coupled to the Frame Relay network and the middleware server (e.g. Figure 7B).

Re claim 33, Voit's Figures 7B or 8A discloses a method comprising: collecting management information for a transparent Digital Subscriber Line (DSL) connection carrying encapsulated Frame Relay packets between Frame Relay data communication nodes (e.g. Test Server 83 collect the management information); and differentiating between a network outage caused by customer equipment failure and a service provider service level event using the

management information (e.g. page 19 paragraph 0205); however, Voit fails to disclose an automatically receive management information.

Chewning teaches a network management system is automatically collecting management information (e.g. Abstract; page 4 paragraph 0034).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Chewning's teaching of automatic collecting management information into Voit's method to provide peedy provisioning of a customer for service (e.g. page 1 paragraph 0007).

Re claim 34, Voit further discloses the management information comprises equipment fault information of a DSL bridge and service level information of the transparent DSL connection (e.g. Figure 7B).

Re claim 35, Voit further discloses the management information is collected via a Frame Relay network (e.g. Figure 7B).

Re claim 36, Voit further discloses the management information is collected via a virtual circuit from one of the Frame Relay data communication nodes, wherein the virtual circuit communicates according to a Frame Relay protocol (e.g. traffic data transfer from the cell relay to the test server).

Re claim 37, Voit further discloses at least one of the data communication nodes is implemented as a channel service unit/data service unit (e.g. Figure 7B).

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. 7,099,305

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phuoc H Nguyen/  
Primary Examiner, Art Unit 2143

May 22, 2008